

17N

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 AUG -7 AM 9:46
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY VNH DEPUTY

UNITED STATES OF AMERICA
vs.
MARTINEZ-Pulido, Salvador

Magistrate's Case No.

COMPLAINT FOR VIOLATION OF
21 U.S.C. 952 and 960

'08 MJ 2392

Unlawful Importation of a Controlled Substance

The undersigned complainant being duly sworn states:

COUNT ONE

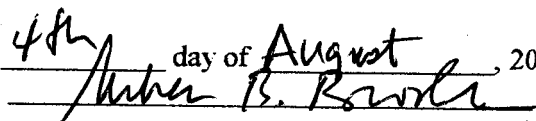
That on or about August 1, 2008, within the Southern District of California, defendant Salvador MARTINEZ-Pulido did knowingly and intentionally import approximately 282.14 kilograms (620.70 pounds) of marijuana, a schedule I substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached probable cause statement, which is incorporated herein by reference.



Eveleen Cabrera
Signature of Complainant
U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence, this 4th day of August, 2008.



United States Magistrate Judge

DOA
8/1/08
KMT

1 United States of America

2 VS.

3 Salvador MARTINEZ-Pulido

4 PROBABLE CAUSE STATEMENT

5 I, Special Agent Eveleen Cabrera, declare under penalty of perjury, the following is true and correct:

6 On August 1, 2008, at approximately 6:55 p.m., Salvador MARTINEZ-Pulido entered the
7 United States from Mexico through the Otay Mesa Commercial Port of Entry (POE) in a 1998
8 Freightliner tractor bearing California license plate 9E17479 and a 1986 Great Dane trailer
9 bearing California license plate 4ER5388.
10

11 A Customs and Border Protection (CBP) Officer was working the empty portal x-ray,
12 when he came in contact with MARTINEZ, who was attempting entry with an empty trailer.
13 The Officer noticed that the front wall of the refrigerated unit appeared abnormal on the x-ray
14 image. MARTINEZ made a negative Customs declaration. The Officer referred the tractor,
15 trailer and driver to the intensive dock for further examination.
16

17 At the secondary inspection intensive dock, MARTINEZ submitted his documents to a
18 CBP Officer and was directed to the waiting area while the tractor-trailer was inspected. Upon
19 inspection, the Officer noticed anomalies in the refrigerated unit of the trailer. The Officer
20 opened an access panel to the refrigerated unit on the outside of the trailer. The Officer noticed a
21 black metal plate covering the motor of the unit and also noticed that the bolts on the access
22 panel had been tampered with. The Officer removed the bolts to access the inside of the unit and
23 then requested a Canine Enforcement Officer (CEO) to screen the vehicle.
24

25 A CBP CEO screened the tractor-trailer using her Narcotics Detector Dog (NDD). The
26 NDD alerted to the odor of narcotics. Another CBP Officer, also assisting in the inspection,
27 looked at the bottom right hand corner of the refrigerated unit and noticed a cellophane wrapped
28


1 package inside a void space between the wall and the refrigerated unit. The Officer used a screw
2 driver to attempt to move the package. Upon doing so, the screwdriver punctured the package
3 and the Officer heard a "hissing sound". The Officer noticed a pungent odor emanating from the
4 package.

5 Further inspection of the tractor-trailer revealed forty-two (42) wrapped packages
6 discovered in the refrigerated unit. A CBP Officer probed one random package of a green leafy
7 substance, which field-tested positive for marijuana. The total weight of the marijuana seized
8 was 282.14 kilograms (620.70 pounds).
9

10 Post Miranda, MARTINEZ denied knowledge of the marijuana. MARTINEZ said he
11 was only told to drop the trailer off at a paid-parking lot in the Otay Mesa, CA area.

12 MARTINEZ was arrested for violating Title 21, United States Code, Sections 952 and
13 960, Unlawful Importation of a Controlled Substance. MARTINEZ was booked into the
14 Metropolitan Correctional Center, San Diego, CA on the above charges.
15

16
17 Executed on August 2, 2008

18 

19 Eveleen Cabrera
20 Special Agent,
21 U.S. Immigration and Customs Enforcement
22

23 On the basis of the facts presented in the probable cause statement consisting of 2 pages,
24 I find probable cause to believe that the defendant named in this probable cause statement
25 committed the offense on August 1, 2008 in violation of Title 21, United States Code, Section(s)
26 952 & 960.

27
28 _____
United States Magistrate Judge

Date/Time

package inside a void space between the wall and the refrigerated unit. The Officer used a screw driver to attempt to move the package. Upon doing so, the screwdriver punctured the package and the Officer heard a "hissing sound". The Officer noticed a pungent odor emanating from the package.

Further inspection of the tractor-trailer revealed forty-two (42) wrapped packages discovered in the refrigerated unit. A CBP Officer probed one random package of a green leafy substance, which field-tested positive for marijuana. The total weight of the marijuana seized was 282.14 kilograms (620.70 pounds).

Post Miranda, MARTINEZ denied knowledge of the marijuana. MARTINEZ said he was only told to drop the trailer off at a paid-parking lot in the Otay Mesa, CA area.

MARTINEZ was arrested for violating Title 21, United States Code, Sections 952 and 960, Unlawful Importation of a Controlled Substance. MARTINEZ was booked into the Metropolitan Correctional Center, San Diego, CA on the above charges.

Executed on August 2, 2008



Eveleen Cabrera
Special Agent,
U.S. Immigration and Customs Enforcement

On the basis of the facts presented in the probable cause statement consisting of 2 pages, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on August 1, 2008 in violation of Title 21, United States Code, Section(s) 952 & 960.


United States Magistrate Judge

8/2/08 9:50pm
Date/Time